

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA * CRIMINAL NO. H-16-408
*
VERSUS * Houston, Texas
* June 21, 2021
ANDREW IAN FARMER * 10:45 a.m.

SENTENCING
BEFORE THE HONORABLE VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE

For the Government:

Mr. Justin R. Martin
U.S. Attorney's Office
1000 Louisiana Street
Suite 2300
Houston, Texas 77002

For the Defendant:

Mr. Gerald Robert Fry
Attorney at Law
405 Main Street
Suite 602
Houston, Texas 77002

Court Reporter:

Fred Warner
Official Court Reporter
515 Rusk Avenue
Houston, Texas 77002

Proceedings recorded by mechanical stenography, produced by
computer-aided transcription.

1 THE COURT: United States of America versus Andrew
2 Farmer.

3 For the United States?

4 MR. MARTIN: Justin Martin.

5 THE COURT: Mr. Martin.

6 For the defendant.

7 MR. FRY: Gerald Fry for the defendant, Your Honor.

8 THE COURT: Mr. Fry.

9 Is that Mr. Farmer? Come on up to the table at
10 least. Come to the table, yes. Everybody needs to be by a
11 microphone somewhere. Mr. Farmer, you can get that mic on
12 the other side there. There you go.

13 Can you identify yourself for the record,
14 please.

15 THE DEFENDANT: Andrew Ian Farmer.

16 THE COURT: We are here this morning for sentencing.

17 Mr. Martin, has the United States had a chance
18 to review the presentence investigation report, the addendum
19 and the second addendum to that report?

20 MR. MARTIN: Yes, Your Honor, I have.

21 THE COURT: I'm sorry?

22 MR. MARTIN: I was going to say no objection.

23 THE COURT: Mr. Fry, have you and your client had a
24 chance to review the presentence investigation report, the
25 addendum and the second addendum to that report?

1 MR. FRY: Yes, Your Honor.

2 THE COURT: Then the presentence investigation
3 report and the addendum will be placed into the record under
4 seal. In the event that there is any appeal of this case,
5 the only portion that will not be disclosed will be that
6 portion that contains a sentencing recommendation from the
7 probation department to the Court.

8 There are no objections by the United States.
9 There was one objection that had been raised by the
10 defendant. The defendant objected to the calculations listed
11 in paragraph number -- let me sure it's the right paragraph
12 number still. It's still 134. That indicated that the
13 maximum term of imprisonment was 120 months.

14 I guess the motion was based on the fact that
15 it was a five-year statutory range of imprisonment, and the
16 defendant believed that that paragraph should have reflected
17 a maximum of 60 months instead of 120 months. But the reason
18 that it's not is because the guideline range is what guides
19 the Court's calculation in that regard, and the calculation
20 under the guidelines at 38.1 is 235 to 293 months. And so in
21 that situation the Court can stack the sentences; but the
22 maximum, of course, would be the 120, which would be the
23 statutory maximum of five years for each count. So that
24 information contained in paragraph 134, indicating that the
25 maximum term of imprisonment is 120 months, is actually

1 correct, Mr. Fry. Do you see what happened there?

2 MR. FRY: I do, Your Honor.

3 THE COURT: Okay.

4 So the objection is overruled.

5 Mr. Fry, were there any other factual
6 inaccuracies in the report that could have an impact on
7 sentencing?

8 MR. FRY: No, Your Honor.

9 THE COURT: Okay. Then the Court adopts the
10 presentence investigation report and the addendum, finds that
11 the statutory range of punishment on each of Counts 1SSS and
12 2SSS is not more than five years, supervised release on both
13 counts not more than three years. The fine on Count 1SSS is
14 not more than \$100,091,955.30, which is twice the pecuniary
15 loss.

16 On Count 2SSS not more than \$250,000.
17 Restitution is \$8,092,738.49. Special assessment is \$100 per
18 count for a total of \$200.

19 Under the sentence guidelines, based on a total
20 offense level of 38 and a criminal history category of 1
21 provides for a guideline range of 235 to 293 months, which is
22 capped at 120 months pursuant to 5G1.1A.

23 Supervised release term is one to three years.

24 The fine range is 50,000 to \$100,341,955.30.
25 Restitution is \$8,092,738.49. Special assessment is \$200.

1 The United States has filed a motion for
2 downward departure under 5K1.1 making a specific
3 recommendation for the departure, and the Court will take
4 that into consideration. It grants the motion for downward
5 departure and will take the government's recommendation into
6 consideration in determining what it believes to be the
7 appropriate sentence in this case.

8 Mr. Fry, would you like to speak on behalf of
9 your client, please?

10 MR. FRY: Yes, Your Honor.

11 THE COURT: Yes, please.

12 MR. FRY: We would ask the Court, in addition to the
13 government's recommendation, to consider a probated sentence.

14 THE COURT: A probated sentence?

15 MR. FRY: Yes, Your Honor.

16 And one of the reasons -- the reason, I will
17 list a couple of those, Your Honor, if I may.

18 THE COURT: Okay.

19 MR. FRY: One is, he's been on pretrial release for
20 five years now, has not violated conditions that's listed in
21 the presentence report. He's had a monitor. So he's been
22 like under probation for five years. And during that time
23 he's completely cooperated with the government and debriefed
24 many, many, many times and helped them.

25 THE COURT: So what, you think everything should

1 just get probation in this case?

2 MR. FRY: No.

3 THE COURT: Only Mr. Farmer?

4 MR. FRY: Well, under certain circumstances people
5 ought to be considered for probation. I think he's reformed
6 himself in the five years. He is now working --

7 THE COURT: Wait, wait, wait, stop. I need an
8 answer to my question, because he is not getting less time
9 than all these other people. So you're trying to say that
10 everybody in this whole case involving over a
11 fifty-million-dollar loss should get probation?

12 MR. FRY: I can't speak for the other people, Your
13 Honor.

14 THE COURT: Well, you know that one of the factors
15 that the Court has to consider is the relative culpability of
16 this defendant versus the other, what is it, five other
17 defendants in this case in making it a sentence that doesn't
18 have unwarranted sentencing disparity, so it is something
19 that I actually have to take into consideration. So I
20 assumed you probably thought about that in the context of
21 asking me for a probated sentence?

22 MR. FRY: I think that also if he was on
23 probation -- he's working now at legitimate employment. He's
24 working at a flower company with 30 people under him. If he
25 was on the five years, he could make restitution payments to

1 pay back the victims at a higher rate now than if he goes
2 into the penalty, comes out and then has to find a job. So,
3 he -- and I understand the Court's position succinctly. I
4 just want the Court to at least consider probation. He's
5 been five years on probation -- on pretrial release, no
6 violations, he's had a monitored. He's assured me that if he
7 is granted a five-year probated sentence he could abide by
8 any conditions that the Court puts on him.

9 His family of three children and his wife
10 depend on him for their support, and that would greatly hurt
11 them if he was not able to continue his employment. So we
12 would ask the Court to consider it. And I understand the
13 Court's position as it pertains to other defendants.

14 I would ask that if the Court does not consider
15 probation that the lower, the Court lowers it to two,
16 five-year sentences running concurrent, two 60-month
17 sentences running concurrent. If the Court has the ability
18 to run it concurrent, we would ask for two, 60-month
19 sentences to run concurrent.

20 And we would also ask that he be allowed to
21 self report if he has to go into custody instead of being
22 taken into custody today, and we would ask that the Court
23 recommend a penitentiary close to Houston where his family
24 is.

25 THE COURT: Okay.

1 MR. FRY: That's all I have, Your Honor.

2 THE COURT: Mr. Farmer, would you like to say
3 anything in your own behalf, please, sir?

4 THE DEFENDANT: I would, Your Honor.

5 THE COURT: Yes, please.

6 THE DEFENDANT: I'd like to start by saying that I
7 am very sorry for the people that I hurt through this scheme.
8 I knew at the time that it was morally wrong and ethically
9 wrong. I did not appreciate the criminal context of what we
10 were doing as it appeared to be at the time.

11 THE COURT: What does that mean you didn't
12 appreciate it? I got the list of the victims on this
13 spreadsheet. I don't remember what the total number was.
14 What's the total number of victims that I have? I don't even
15 know. What's the total number?

16 MR. MARTIN: It's over 2,000.

17 THE COURT: Okay. 2,000 victims.

18 MR. MARTIN: And those are just the ones that were
19 identified.

20 THE COURT: That came forward, with \$8 million in
21 losses.

22 Tell me what you mean when you say you didn't
23 appreciate the severity of what you were doing.

24 THE DEFENDANT: I understood at the time that what
25 we were doing was wrong in that we were inducing people to

1 buy stocks that had very little or no future. However, I
2 took the counsel of Mr. Austin that it was not criminal in
3 nature. And that if I had understood the criminal
4 ramifications of our actions, I would like to say that I
5 would have not continued in the organization and would not
6 have let Mr. Austin begin the basic group to start with.

7 THE COURT: So basically this fell into the category
8 of there's a sucker born every minute, and if they think
9 they're going to make some money, that's on them, huh?

10 THE DEFENDANT: I'm not proud of saying it, but,
11 yes, that was the intent of the scheme.

12 THE COURT: Okay.

13 So in terms of your relative culpability
14 vis-a-vis the other six -- well, how many is it, one, two,
15 three, four, five, six people that I have to sentence in this
16 case. I think I have sentenced one already, Grob.

17 THE DEFENDANT: I think it was two, Your Honor.

18 THE COURT: Grob. And I think I might have
19 sentenced Austin.

20 THE DEFENDANT: Grob.

21 THE COURT: Brotherton and Grob. I still have the
22 others ones left to sentence.

23 So relative to their involvement in this
24 scheme, how do you rate your relative culpability to these
25 other six?

1 THE DEFENDANT: I believe that Mr. Austin, Mr.
2 Brotherton, Mr. Sieck and myself share an equal level of
3 culpability as partners making partnership decisions as to
4 the scheme that we perpetrated and how it would be carried
5 out.

6 I believe that Mr. Massey shares a less
7 culpability because he was an employee and not a partner.
8 And I must be honest. I believe Mr. Grob bears no
9 culpability whatsoever.

10 THE COURT: Ms. Who?

11 THE DEFENDANT: Mr. Grob.

12 THE COURT: Oh, Mr. Grob.

13 THE DEFENDANT: If at any point Mr. Grob had been
14 represented by counsel that had not been paid for by the
15 group and instructed on their plan by Mr. Austin, I think if
16 any independent counsel could have gotten to Mr. Grob, he's
17 not at fault.

18 THE COURT: Who was the other person you said was
19 just an employee?

20 THE DEFENDANT: Mr. Massey.

21 THE COURT: Oh, Mr. Massey.

22 THE DEFENDANT: But I don't want to in any way
23 lessen my responsibility. I am 100 percent responsible for
24 my actions and the actions of everybody that worked for us,
25 the actions of everybody who contracted for us and even the

1 actions of my partners. At any point in time I could have
2 and should have walked away or stopped.

3 THE COURT: The reason I am asking, of course, you
4 heard me have this conversation with your counsel. He is
5 asking for probation, and I have got all these other people
6 yet to sentence. I have only sentenced one or two out of the
7 other six people that I still need to sentence in this case.
8 And so, obviously I can't have an unwarranted sentencing
9 disparity between you and these other people, and so that's
10 the reason that I was asking the question. And Mr.
11 Brotherton has already been sentenced to a term of 60 months
12 custody in this case, someone, as you say, you at least have
13 equal culpability with in terms of your actions.

14 THE DEFENDANT: Yes, Your Honor. I don't argue with
15 that.

16 THE COURT: Anything else you want to say?

17 THE DEFENDANT: I do.

18 THE COURT: Yes, please.

19 THE DEFENDANT: I would like to say that over the
20 past five years I have worked very hard to change who I am.
21 I have opened a business for myself making furniture selling
22 \$5,000 tables. I am gainfully employed now at the largest
23 flower shop in the Houston Metro area. I am director of
24 operations with them. I have 30 people that work under me.

25 THE COURT: Is that your own business or are you

1 working for somebody else?

2 THE DEFENDANT: I am working for somebody else.

3 THE COURT: Okay. I was a little unclear. I wasn't
4 sure.

5 THE DEFENDANT: I'm sorry, Your Honor. The
6 furniture thing was my business.

7 THE COURT: Right.

8 THE DEFENDANT: And the flower shop thing is a local
9 business.

10 THE COURT: And then in the last five years you've
11 had a couple more kids, I see.

12 THE DEFENDANT: I have one additional child.

13 THE COURT: Oh, because this report is dated 2020.

14 THE DEFENDANT: 2011 was the --

15 THE COURT: How old are your kids?

16 THE DEFENDANT: 10, 6 and 4.

17 THE COURT: Oh, my goodness. Time has gone by.

18 THE DEFENDANT: Yes, it has, Your Honor.

19 Anyway, the point was that I've done a lot to
20 come to what I am now. And it was not easy to find an
21 employer that was going to overlook -- not overlook,
22 understand my situation and allow me to use the skills I do
23 have to become the member of society, or the citizen, I
24 guess, that society should rightfully expect me to be.

25 THE COURT: All right.

1 Anything else from the United States?

2 MR. MARTIN: Yes, Your Honor.

3 In fairness to Mr. Farmer, Brotherton's
4 sentence was five years, but he didn't get a 5K; but he was,
5 in my view, less culpable than Mr. Farmer, which is why even
6 with the 5K I am still recommending a sentence of 72 months.
7 I think that fairly reflects his culpability vis-a-vis these
8 other defendants. And certainly I don't think a sentence of
9 probation is appropriate when Mr. Grob got -- when Mr. Grob
10 got a sentence of imprisonment I believe of 12 months and he
11 was the least culpable, I don't think a sentence of probation
12 would be appropriate here.

13 Mr. Farmer did meet with us many times, and he
14 was very forthcoming in my judgment, once he decided to
15 cooperate. He, of course, decided to cooperate after some of
16 the other defendants, which I believe gives them a reason to
17 take into consideration that Mr. Farmer should get a higher
18 sentence than those defendants should get. So I think the
19 Court should take that into consideration as well. So my
20 recommendation is 72 months.

21 THE COURT: All right.

22 The Court will state the sentence at this time.
23 The lawyers will have a final opportunity to make any
24 objections before the sentence is finally imposed.

25 It is the judgment of this Court that the

1 defendant, Andrew Ian Farmer, is hereby committed to the
2 custody of the Bureau of Prisons to be imprisoned for a term
3 of 60 months as to Count 1SSS and 12 months as to Count 2SSS
4 to run consecutively for a total term of imprisonment of 72
5 months.

6 The defendant is before this Court for
7 sentencing as a result of his conviction for conspiracy to
8 commit wire fraud, that is Count 1SSS, and securities fraud,
9 Count 2SSS. Farmer was a partner and considered the primary
10 leader of the group. He had a major role in the group in
11 making business decisions, including hiring, firing,
12 approving of business expenses, creating and approving the
13 story arc for each new company. Farmer was a member of the
14 conspiracy from the group's founding in or about May of 2011
15 to the end of the conspiracy, about May of 2017.

16 His primary responsibility was setting up each
17 company whose stock was going to be used in each pump and dump
18 scheme. Farmer was responsible for distributing the proceeds
19 of the fraud to the other partners and paying the group's
20 employees. Farmer funded the group's business expenses using
21 his credit card and is responsible for defrauding investors
22 of the total loss of \$50,045,977.65.

23 Farmer is held accountable for all acts and
24 omissions of others that were within the scope of the jointly
25 undertaken criminal activity in furtherance of that criminal

1 activity and reasonably foreseeable in connection with the
2 criminal activity that occurred during the commission of the
3 offense of conviction in preparation for that offense or in
4 the course of attempting to avoid detection or responsibility
5 for that offense.

6 The offense involved a violation of a prior
7 specific judicial administrative order, injunction, decree or
8 process not addressed elsewhere in the guidelines, and the
9 offense involved sophisticated means of conduct such as
10 hiding assets and transactions with the use of fictitious
11 entities, corporate shells, offshore financial accounts, and
12 that ordinarily indicates sophisticated means. Farmer is
13 also deemed to be the organizer/leader in the criminal
14 activity that involved five or more participants or was
15 otherwise extensive.

16 The defendant does not have any prior
17 convictions. His total offense level is 38, criminal history
18 of 1, which establishes the guideline range of 235 to 293
19 months. However, the statutory maximum is 120 months.
20 Additionally, the defendant was granted a 5K by the
21 government with a recommendation that the defendant be
22 sentenced to a term of 72 months.

23 The Court believes that a sentence of 72 months
24 is appropriate when considering the defendant's relative
25 culpability as it relates to the other co-defendants in this

1 case, one of whom has already been sentenced to 60 months,
2 and that it takes into consideration the sentencing
3 objectives of punishment, deterrence and incapacitation and
4 is sufficient but not greater than necessary to punish the
5 defendant for the crimes committed in this case.

6 Upon release from imprisonment the defendant
7 shall be placed on supervision, supervised release for a term
8 of three years as to each of Counts 1SSS and 2SSS, to run
9 concurrently for a total term of supervision of three years.
10 A three-year term of supervision is imposed in order to
11 protect the public and to ensure that restitution payments
12 will be made.

13 Within 72 hours of release from the custody of
14 the Bureau of Prisons the defendant shall report in person to
15 the probation office in the district to which the defendant
16 is released. Following supervised release the defendant
17 must comply with the standard conditions that have been
18 adopted by this Court, any additional conditions required by
19 law and the following mandatory conditions:

20 The defendant may not incur any new credit
21 charges or open additional lines of credit without approval
22 of the probation office. You must submit to substance abuse
23 testing to determine if you have used a prohibited substance,
24 and you must pay the cost of testing if financially able to
25 do so. You may not obstruct or tamper with any testing

1 methods.

2 The defendant is prohibited from employment or
3 acting in a fiduciary role during the term of supervision.

4 The defendant must pay to the United States a special
5 assessment of \$200, due and payable immediately.

6 The Court finds that the defendant does not
7 have the financial ability to pay a fine within the guideline
8 range in addition to the restitution amount, and the fine is
9 waived in this case.

10 The defendant is ordered to pay restitution in
11 the amount of \$8,092,738.49 to the victims identified in the
12 document that has been filed of record with the Court as
13 Instrument No. 527, which was filed on 6-17-21, which
14 contains a list of some 2,000 victims of this scheme that
15 have reported restitution owed in that amount.

16 The payment of the criminal monetary penalties
17 are due as follows: \$200 due and payable immediately, any
18 unpaid balance due in installments of \$25 dollars per quarter
19 or 50 percent of any wages earned while in prison. Any
20 balance remaining after release from imprisonment shall be
21 paid in monthly installments of no less than \$800 per month
22 to commence 30 days after release to a term of supervision.
23 Payments are to be made through the United States District
24 Clerk's office, Southern District of Texas.

25 Mr. Martin, do you know of any reason why the

1 sentence should not be imposed as stated?

2 MR. MARTIN: Just a couple of matters, Your Honor.

3 We are requesting an additional condition of
4 supervised release because there is an ongoing matter which
5 could potentially extend --

6 THE COURT: But what does that have to do with me?
7 Isn't that just part of y'all's plea agreement? If you think
8 that it's not being complied with, what am I supposed to do,
9 revoke him?

10 MR. MARTIN: The plea agreement ends today. And so
11 we are asking for the supervised release to create a --

12 THE COURT: Create a what? How does that work
13 exactly? Tell me how you envision that in your mind. I
14 didn't get it. I heard about it. I didn't get a copy of
15 whatever it was that you sent to whoever you sent it to.

16 MR. MARTIN: Well, just that if he is released from
17 prison and the matter was still ongoing.

18 THE COURT: Let me see what it is. I didn't get it.
19 Let me look at it. I don't know who you sent it to. Who did
20 you send that to?

21 Tell me how that works in your division,
22 because I have never done this before, so I am trying to
23 envision what you think.

24 It says you have to fully cooperate with the
25 United States. So like you call us up and say, he is not

1 being cooperative. Why don't you revoke him on that basis,
2 or how does that work?

3 MR. MARTIN: It would be up to you to decide whether
4 to revoke him on that basis.

5 THE COURT: It would be up to me to decide whether
6 or not he was cooperating with you or not cooperating with
7 you?

8 MR. MARTIN: Well, I mean, I would file a motion
9 saying he was not cooperating, and then it would be up to you
10 to decide whether that warranted revocation or not.

11 THE COURT: Tell me when you have done this before.

12 MR. MARTIN: I have never done it before.

13 THE COURT: Me either.

14 MR. MARTIN: It's being requested by another
15 district.

16 THE COURT: Pardon me?

17 MR. MARTIN: It's being requested in another
18 district, and they have requested this language.

19 THE COURT: By "another district," where this charge
20 is pending?

21 MR. MARTIN: Where the matter is pending.

22 THE COURT: What's pending?

23 MR. MARTIN: An investigation that he is cooperating
24 with.

25 THE COURT: So where he has potential charges facing

1 him in that?

2 MR. MARTIN: No. He's cooperating against other
3 individuals.

4 THE COURT: Oh, against other individuals. Not a
5 case involving him.

6 THE DEFENDANT: Your Honor, if I may.

7 THE COURT: Not a case involving any activity on his
8 part?

9 MR. MARTIN: Correct, Your Honor.

10 THE COURT: Okay. I just wanted to make sure that I
11 understood what you were talking about.

12 Who was that? Mr. Farmer.

13 THE DEFENDANT: If I may. I have no objection to
14 it. I have been cooperating. I intend to continue to
15 cooperate. I am not fighting this particular language. This
16 case is in two other districts. And I intend to continue
17 cooperating with Mr. Martin and the other attorneys, if that
18 makes a difference in what they're trying to do. I am not
19 objecting to it.

20 THE COURT: So you are saying it's not going to be
21 you. It's going to be some other AUSA in some other district
22 that's going to call up and say, hey, he is not cooperating
23 with us the way he is supposed to.

24 MR. MARTIN: He would have to call me and then I
25 would have to file a motion and then it would be up to you to

1 decide whether it warranted revocation or not.

2 THE COURT: I think I am going to take a pass on
3 that.

4 What else?

5 MR. MARTIN: And then the only other issue is I
6 submitted a proposed order that imposes the money judgment.

7 THE COURT: Right. I got that. I got those to do
8 in a minute.

9 Anything else with respect to the sentence?

10 MR. MARTIN: No, Your Honor.

11 THE COURT: Okay.

12 Mr. Fry, do you know of any reason why the
13 sentence should not be imposed as stated?

14 MR. FRY: I do not, Your Honor.

15 THE COURT: Then the sentence is imposed as stated.

16 Mr. Farmer, you can appeal your conviction if
17 you think that your guilty plea is somehow unlawful or
18 involuntary or if you think that there was some other
19 fundamental defect in the proceeding that was not waived by
20 you. However, a defendant can waive -- wasn't there a waiver
21 in this case?

22 MR. MARTIN: Yes, Your Honor.

23 THE COURT: Yes. The defendant can waive those
24 rights as part of a plea agreement in this case. In this
25 case you waived your right to appeal. That waiver is

1 generally enforceable. If you think your waiver is
2 unenforceable for some reason, you can present that theory to
3 the Court of Appeals. And if you are without funds to hire
4 an attorney to represent you, you can apply to the Court for
5 in forma pauperis status and counsel will be appointed for
6 you. With few exceptions any notice of appeal must be filed
7 within 15 days of the date that judgment is being entered in
8 this case.

9 Do you understand me?

10 THE DEFENDANT: I do, Your Honor.

11 THE COURT: Part of the plea agreement involved an
12 order for the imposition of a money judgment at sentencing.
13 That was unopposed, correct, Mr. Fry?

14 MR. FRY: Yes.

15 THE COURT: Then the Court is signing the order
16 imposing a money judgment in the amount of \$6 million.

17 The United States has also moved to dismiss the
18 remaining counts of the indictment pursuant to the plea
19 agreement. The Court has signed an order dismissing the
20 remaining counts of the indictment.

21 Mr. Martin, anything else?

22 MR. MARTIN: No, Your Honor.

23 THE COURT: Mr. Fry, anything else?

24 MR. FRY: Just for --

25 THE COURT: Oh, I forgot. Give me one second. I'm

1 sorry, Mr. Fry.

2 The defendant is on bond, been on bond.

3 Mr. Farmer, have you had any new law violations
4 since you have been on bond?

5 THE DEFENDANT: Your Honor, the only violation I had
6 was I got a speeding ticket when I left here after getting my
7 ankle monitor removed.

8 THE COURT: Okay.

9 Does the United States have any objection to
10 the defendant remaining on bond pending designation?

11 MR. MARTIN: No, Your Honor.

12 THE COURT: All right.

13 Was there anything else, Mr. Fry? Excuse me.
14 Go ahead, sir.

15 MR. FRY: I would ask permission to withdraw from
16 this case at this time, Your Honor.

17 THE COURT: Okay. I have got two things. You know
18 what else I forgot, something else you already asked me to
19 do. It's the further recommendation of this Court that the
20 defendant be incarcerated as close to Houston as possible.

21 Wasn't there one more thing that you asked me,
22 Mr. Fry? I forgot.

23 MR. FRY: No. That was it. Report on his own and
24 be incarcerated close near here.

25 THE COURT: And the defendant be allowed to self

1 surrender. And he'll be allowed to self surrender.

2 Now, Mr. Fry. I'm sorry. I just keep
3 forgetting stuff.

4 MR. FRY: May I have permission to withdraw from the
5 case?

6 THE COURT: All right. You will. Why don't you
7 send me an order so that I can have it of record.

8 MR. FRY: I will, Your Honor.

9 THE COURT: And I will sign that as soon as you send
10 it to me.

11 Anything else? Nothing else?

12 MR. FRY: No, Your Honor.

13 THE COURT: Thank you. You all are excused.

14 THE DEFENDANT: Thank you, Your Honor.

15 MR. FRY: Thank you, Your Honor.

16

17

18 (Conclusion of proceedings)

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1 CERTIFICATION

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4
5 I, Fred Warner, Official Court Reporter for the
6 United States District Court for the Southern District of
7 Texas, Houston Division, do hereby certify that the foregoing
8 pages 1 through 24 are a true and correct transcript of the
9 proceedings had in the above-styled and numbered cause before
10 the Honorable VANESSA D. GILMORE, United States District
11 Judge, on the 21st day of June, 2021.

12 WITNESS MY OFFICIAL HAND at my office in Houston,
13 Harris County, Texas on this the 30th day of June, A.D.,
14 2021.

15
16
17
18
19 /s/ Fred Warner
20 Fred Warner, CSR
21 Official Court Reporter
22
23
24
25